



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office ~ 25 Sigourney Street, 7th Floor, Hartford, CT 06106

Promoting Equality and Justice for all People

**Testimony to the Judiciary Committee
Wednesday, March 2, 2016**

**Raised Bill No. 5400, AN ACT CONCERNING THE DISCLOSURE OF CERTAIN
EDUCATION PERSONNEL RECORDS.**

Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee:

The Commission on Human Rights and Opportunities **supports** R.B. 5400, but recommends an amendment to the language.

The bill seeks to provide greater protection to public school children against physical and sexual abuse. This is certainly a praiseworthy objective, and the Commission strongly supports that aim. However, is the impact that the language of this bill as currently drafted could have a disparate impact on law-abiding minority applicants for local and regional Board of Education positions, as well as on minority employees of contractors with those Boards of Education, who have criminal records that are unrelated to abuse or neglect of children.

Section 1 of the proposed bill would require all applicants for employment to submit to a state and national criminal records check *prior* to the extension of an offer of employment. It is well-documented that minorities are often targeted as criminal suspects at a disproportionately higher rate than their non-minority counterparts. In its current form, the bill would permit prospective employers to collect general criminal record information at the outset of the application process, before an offer of employment has been made. The current language of the bill would create an open season for discrimination in the hiring practices of the Boards of Education, allowing employers so inclined to refuse minority applicants under the guise of a background check. The Commission would suggest changing the language to require a background check *after* an offer of employment has been made.

Section 1 would also require the State Department of Education to disclose to any Board of Education upon request "whether the department has received notification of criminal charges pending against the applicant and any information concerning such charges." This language is too broad, and should be limited to disclosure of charges related to abuse or sexual misconduct.

The Commission asks you to consider revising the bill in a manner which balances the interests of the Boards of Education in protecting children from abuse against the very real danger of discrimination toward minority applicants. The Commission thanks the Committee for the opportunity to present testimony on this bill.